

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 8, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

January 15, 2015 @ 10:00 a.m.:

- a. Dutch Treat Restaurant, 317 Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #235003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: August 23, 2014.
Case #: 14-308-OF.

January 15, 2015 @ 10:00 a.m.:

- b. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-202-OF.

January 15, 2015 @ 10:30 a.m.:

- c. Club Social, 240 Main Dunstable Road, Nashua, NH.
Social Club License #16501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises – 3 counts.
Dates of violations: July 18, 2013 – the present & May 3, 2014.
Case #: 14-91-OF & 14-170-OF.

January 15, 2015 @ 11:30 a.m.:

- d. Speedway Convenience Store, 905 Route 106, Loudon, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #885547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:49 – stored beverages or liquor in any building other than that designated in the license.
Date of violation: September 2, 2014.
Case #: 14-317-OF.
SETTLEMENT PENDING.

January 15, 2015 @ 1:00 p.m.:

- e. Chop Shop Pub & Grub, 920 Lafayette Road, Seabrook, NH.
Caterer-Off-Site License #1282534 licensed pursuant to RSA 178:22, V(e).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: June 20, 2014.
Case #: 14-220-OF.

January 15, 2015 @ 2:00 p.m.:

- f. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1476403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violations: March 6, 2014.
Case #: 14-90-OF.

February 19, 2015 @ 9:30 a.m.:

- g. Foresters' Club Of Newport, 38 Maple Street, Newport, NH.
Social Club License #16201 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: July 11, 2014.
Case #: 14-269-OF.

February 19, 2015 @ 10:00 a.m.:

- h. Arena Sports Bar & Nightclub, 53 High Street, Nashua, NH.
Restaurant Full Service With Lounge License #1453303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: February 1 - 2, 2013.
Case #: 14-116-OF.

February 19, 2015 @ 10:30 a.m.:

- i. Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 6, 2014.
Case #: 14-42-OF.

February 19, 2015 @ 11:00 a.m.:

- j. Pacific Fusion Restaurant, 356 D.W. Highway, Merrimack, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: July 26, 2014.
Case #: 14-265-OF.

Date to be determined:

- k. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:23, V/Liq. 404.06 – failed to obtain a felon exception.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Dates of violations: August 28, 2014, October 31, 2014 & September 6, 2014.
Case #: 14-318-OF, 14-413-OF & 14-338-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Jade Dragon, 515 DW Highway, Merrimack, NH.
Restaurant Full Service With Lounge License #1341903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Dates of violations: August 18, 2012 & November 16, 2013.
Case #: 12-232-OF & 13-365-OF.
HEARING DATE MOVED AT HEARING OFFICER'S REQUEST.
For violation of RSA 179:5, I, an administrative fine of \$1,500 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for fourteen (14) days held in abeyance for twelve (12) months pending no like violation; for violation of RSA 179:51, an administrative fine of \$250.
- b. Jimmy's Smoke Shop, 22 North Main Street, Rochester, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3293947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Dates of violations: July 18, 2014 & November 20, 2014.
Case #: 14-113-OF & 14-436-OF.
For violation of RSA 179:5, I, an administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 15, 2015 with re-grant on January 17, 2015; for violation of RSA 179:23, an administrative fine of \$250; and for violation of RSA 179:32, an administrative fine of \$250.

- c. Lab 'n Lager Food & Spirits, 4 Stratton Road, Jaffrey, NH.
Restaurant Full Service With Lounge License #1461703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: September 27, 2014.
Case #: 14-390-OF.
An administrative fine of \$ \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days commencing January 11, 2015 with re-grant on January 14, 2015.
- d. Nan King Restaurant, 222 Central Street, Hudson, NH.
Restaurant Full Service With Lounge License #277703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: June 27, 2014.
Case #: 14-222-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days commencing January 14, 2015 with re-grant on January 17, 2015, Alfred Chan and Joshua Willette shall attend a Management Training Seminar (MTS) in a classroom in the next available class and the Licensee shall contact the training unit to schedule training as indicated above.
- e. Shaw's Supermarket, 20 D'Amante Drive, Concord, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3080447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: July 24, 2014.
Case #: 14-263-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on January 15, 2015 with re-grant on January 16, 2015, all managers including Doreen deRochemont, Tim Chabot, Lisa Sylvestre, Shyla Boisvert, & Cassie Compton shall attend a Management Training Seminar (MTS) in a classroom by February 28, 2015; Cassie Compton shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom on the next available date; all other clerks including Richard Hammond, Jenny Ordway, Carol Harris, Cindy Bosquet, Molly Brochu, Ashley Demichelis, Sammy Bartlett, Miguel Rosario, Joshua Saturley, Paige Kelsey, Justin Mcculley, Lucy Dustin, Staci Sydney, Liz Cyr, Holly Mock, Suzanne Peterson, Joel Southard, Max Foisey, Alyssa Martin, Mia Walton, Shane Tighe, Sam Bruce, Shayla Warner, Kiki Ferrari, Danille Hebert, Whitney Strickland, Steve Gobin, Joey Lloyd, Chelsea Newell, Chelsey Jobin, Pauline Baker, Katy Hanson and Stephanie Wilson shall complete a Total Education in Alcohol Management (TEAM) seminar online by February 28, 2015, the licensee shall contact the Division of Enforcement's training unit to schedule and/or facilitate all training referenced above; the licensee shall create a house policy manual that details procedures related to the sale of alcohol; and a copy shall be provided to each employee and to the Division of Enforcement & Licensing within thirty (30) days from the date that this agreement is approved.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

Hinsdale VFW Post 4234, 66 Main Street, Hinsdale, NH.
Veterans Club License #6439 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: December 17, 2014.
Case #: 14-459-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 174 Investments LLC DBA Hot Stone Pizzeria, 174 Eddy Road, Manchester, NH 03102.
To be issued Restaurant On-Premise Beverage and Wine License #1499403 pursuant to RSA 178:20.
- b. J & D Manly Corporation DBA Little Tokyo and Saigon,
2800 Lafayette Road, Unit 4, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1496203
pursuant to RSA 178:21.
- c. Galway Six LLC DBA Salt Hill Pub, 1407 Route 103, Newbury, NH 03255.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1500903
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/24/2014.
- d. Grand Buffet, Inc., 350 Amherst Street, Nashua, NH 03063.
To be issued Restaurant On-Premise Cocktail Lounge License #1482903 pursuant to RSA 178:22.
30 Day Temporary License issued: 12/19/2014.
- e. Greek Market Place, Inc. DBA Mediterranean Market, 326 E. South Broadway, Salem, NH 03079.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3324447
pursuant to RSA 178:18.
- f. Kimberly A. Laughton LLC DBA Thompson Tavern, 421 Central Avenue, Dover, NH 03820.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1500503
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/23/2014.
- g. Lekhi, Roman & Anil DBA Burke Market, 48 Burke Street, Nashua, NH 03060.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3324547
pursuant to RSA 178:18.
30 Day Temporary License issued: 12/23/2014.
- h. Queen City Rotary Club Foundation,
Hellenic Community Center, 650 Hanover Street, Manchester, NH 03104.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor
pursuant to RSA 178:20, II.
Event date: 1/31/2015.
- i. Rotary Club of Keene, Colony Mill Market Place, 222 West Street, Keene, NH 03431.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor
pursuant to RSA 178:20, II.
Event date: 1/16/2015.
- j. Three Chefs Restaurant, Inc. DBA Dumpling Palace,
44 Nashua Road, #25, Londonderry, NH 03053.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1500403
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/22/2014.
- k. V & N Restaurant Enterprises LLC DBA Pizza Chef of New London,
394 Main Street, New London, NH 03257.
To be issued Restaurant On-Premise Beverage and Wine License #1500703 pursuant to RSA 178:20.
30 Day Temporary License issued: 12/31/2014.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 2, 2015: 1,095

- a. Barnett Vineyards LP, 4070 Spring Mountain Road, Saint Helena, CA 94574.
Direct Shipper Permit pursuant to RSA 178:27.
- b. National Certified Distribution LLC, 3965 SE 45 Court, Ocala, FL 34480.
Direct Shipper Permit pursuant to RSA 178:27.
- c. Rockingham Brewing Company, 1 Corporate Park Drive, # 1, Derry, NH 03038.
To be issued Nano Brewery Beer and/or Specialty Beer License #202222 pursuant to RSA 178:12-a.
- d. Small Vines Wines, Inc., 1160 Hopper Avenue, Santa Rosa, CA 95403.
Direct Shipper Permit pursuant to RSA 178:27.

7. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

8. **CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

9. **NOTIFICATION OF APPROVED PETITIONS:**

None

10. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

None

11. **NOTIFICATION OF DENIED FELON EXCEPTIONS:**

None

12. **NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:**

None

13. **NOTIFICATION OF COMPLIANCE CHECKS:**

None

14. HEARING RESULTS:

- a. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 28, 2014.
Case #: 14-133-OF.
HEARING HELD DECEMBER 18, 2014; DECISION PENDING.
LICENSE #1398503 IS SUSPENDED FOR PERIOD OF 5 DAYS WITH 2 DAYS HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR CONDITIONED ON NO LIKE VIOLATIONS OCCURRING, AND TEAM TRAINING FOR ALL SERVERS AND BARTENDERS WITHIN 60 DAYS. THE SUSPENSION SHALL BE IMPOSED ON FEBRUARY 11, 12 AND 13, 2014. A FINE IS IMPOSED IN THE AMOUNT OF \$2,000 WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE SAME CONDITIONS LISTED ABOVE. THE FINE IS PAYABLE NO LATER THAN FEBRUARY 11, 2014. 4 POINTS ARE ASSESSED TO THE LICENSE.

- b. Lilliana's Diner, 43 Ashworth Avenue, Hampton, NH.
Restaurant Beverage and Wine License #1489803 licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:2/Liq. 603.01 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: September 12, 2014.
Case #: 14-378-OF.
HEARING HELD DECEMBER 18, 2014; DECISION PENDING.
LICENSEE LILLIANA'S DINER LICENSE #1489803 WAS APPROVED FOR A LIQUOR LICENSE ON JUNE 20, 2014 AND FOR MORE THAN SIX MONTHS HAS BEEN OPERATING WITHOUT TAKING THE REQUIRED MANAGEMENT TRAINING SEMINAR. DESPITE NUMEROUS ATTEMPTS BY THE DIVISION OF ENFORCEMENT & LICENSING TO RECTIFY THE SITUATION, AND NUMEROUS ATTEMPTS TO CONTACT HIM, MR. FURTADO HAS NOT ACCEPTED SERVICE OF CERTIFIED MAIL, RETURNED THE DIVISION'S ATTEMPTS TO CONTACT HIM NOR ATTEMPTED TO COMPLY WITH THE REQUIREMENTS OF RSA 178:2. AS SUCH I ORDER THAT LICENSEE LILLIANA'S DINER LICENSE #1489803 BE IMMEDIATELY SUSPENDED UNTIL THE REQUIREMENTS OF RSA 178:2 II AND IV ARE MET AND THE MANAGEMENT TRAINING SEMINAR IS COMPLETED BY MR. FURTADO.

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Assumption Greek Orthodox Church, 111 Island Pond Road, Manchester, NH 03109.
To be issued off sale special licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:17, II.
Event date: 12/31/2014.
Recommendation: Expedited approval.
Commission approved on 12/22/2014.

- b. New Hampshire Nepali Community,
Saint George Greek Orthodox, 650 Hanover Street, Manchester, NH 03109.
To be issued off sale special licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:17, II.
Event date: 12/26/2014.
Recommendation: Expedited approval.
Commission approved on 12/22/2014.